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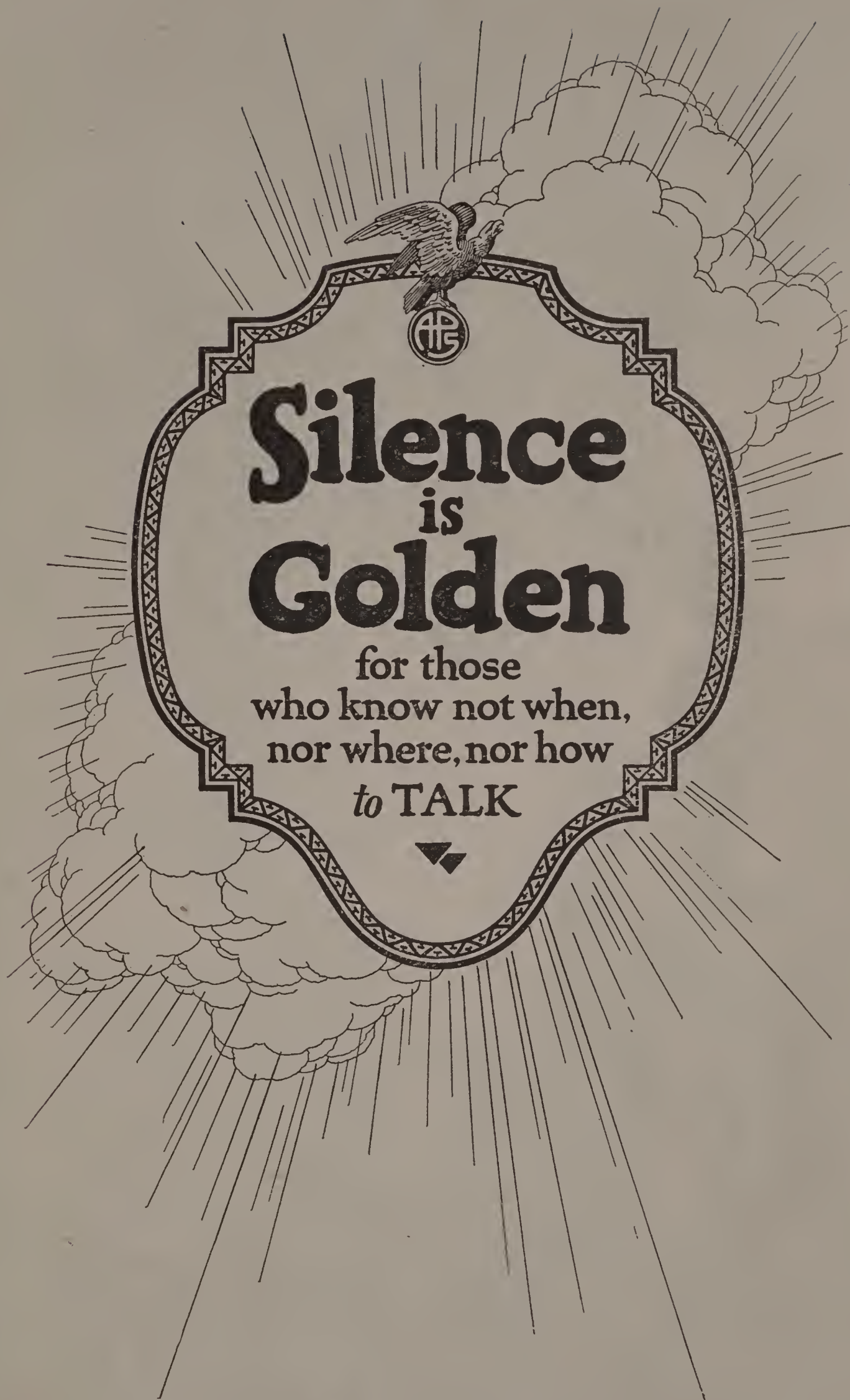
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# **SILENCE IS GOLDEN**

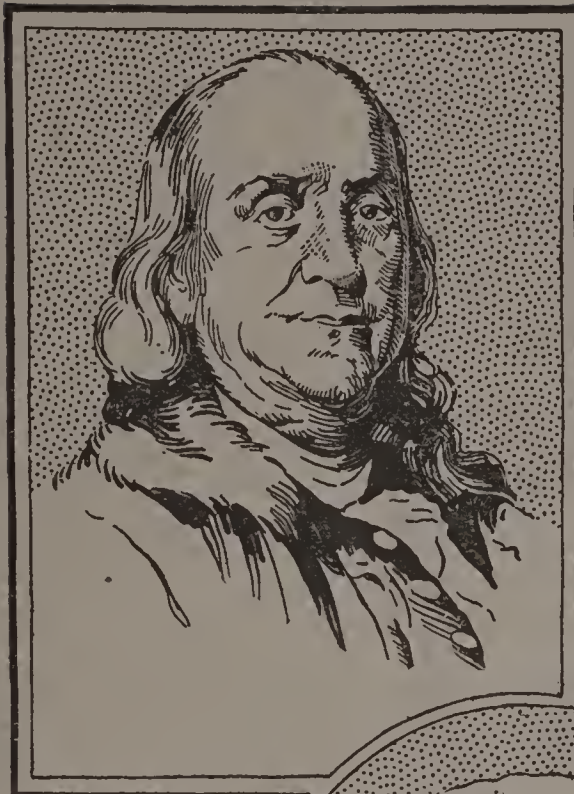
**AMERICAN PHILOMATHIC  
SOCIETY  
CHICAGO**



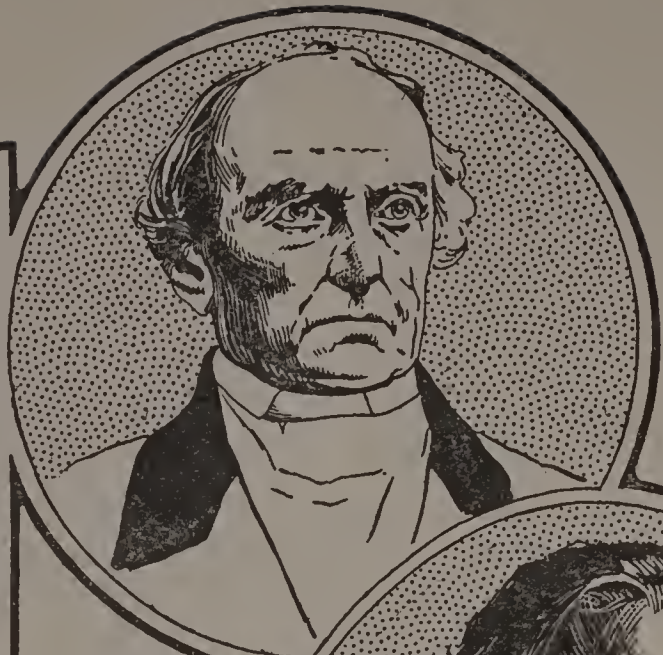


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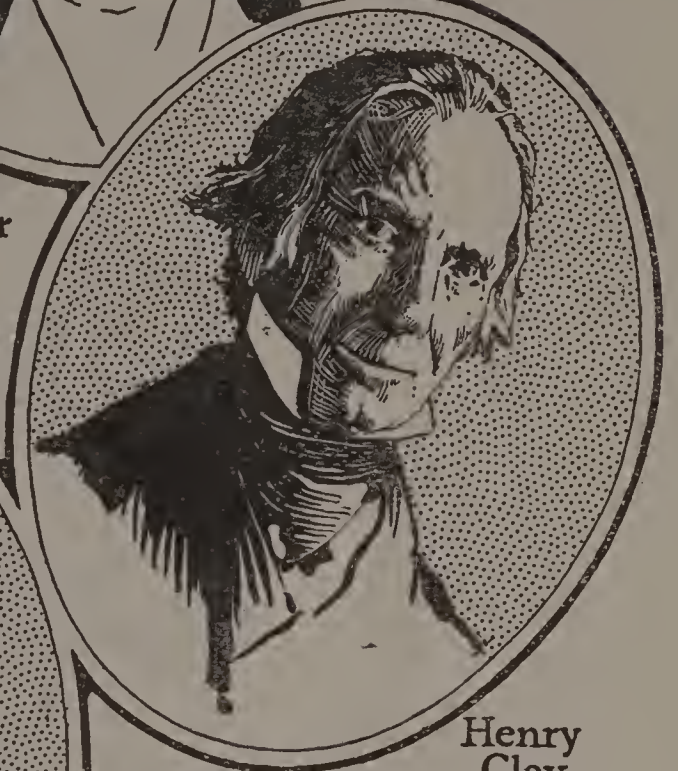




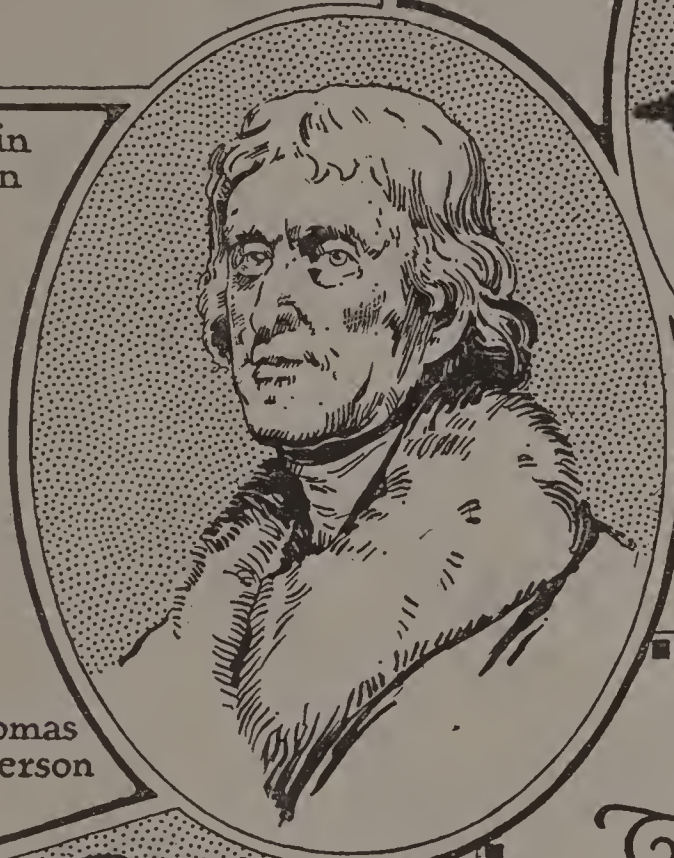
Benjamin  
Franklin



Daniel  
Webster



Henry  
Clay



Thomas  
Jefferson



Abraham  
Lincoln



The Great Minds  
in all History are  
reflected by their  
sayings, not by  
their silence.

Often a great  
brain has been  
chained to medio-  
crity because of  
the inability of  
the tongue to give  
expression





## FOREWORD

There is an inherent desire among all men and women to be leaders. Some want to dominate.

Chance throws a few to the fore; ability forces others to the top. But the great majority merely look on silently and while wishing for the ability to lead, are forced to take the easier way and be represented by those who are able to take conspicuous parts.

In the United States today the vast majority of men and women belong to some organization or other which transacts its business through some kind of meetings. The leaders are the officers—and in turn the officers are usually selected from the very small minority capable of leading.

This minority can be easily changed to a majority—the number of capable leaders can be enlarged for there are unlimited opportunities today for leadership in civic, business and public affairs.

The United States, from its very inception, has produced remarkable leaders in every line of endeavor, but in one particular group they have been comparatively few. It is the purpose of the American Philomathic Society to help enlarge this group through its Practical Courses in Parliamentary Law, Civics, Organization, Public and Vocational Speaking.

To that end this book and the Courses it describes are offered for your respectful consideration and approval.

*AMERICAN PHILOMATHIC SOCIETY*

## CHAPTER 1

### *THE USE OF PARLIAMENTARY LAW IN DAILY LIFE*

The Tenant's Protective Association meeting had just been called to order.

The Chairman, Harry Masters, after disposing of the preliminaries, made a short talk. "Ladies and gentlemen," he said, "the landlords have raised our rents and most of these raises have been exorbitant. It has been suggested that the members of this Association resist the raises and fight eviction by jury trials.

"If we do that, expert legal talent will be needed. Two lawyers have offered their services on a yearly basis for \$10,000. Will some one make the motion?"

The motion was made, seconded, and carried by a substantial majority.

Immediately after the vote was announced, an officer of the Real Estate Board arrived and made the statement that the landlords did not care to be arbitrary and were willing to treat with the members of the Association on an amiable and fair basis.

One member of the minority who had voted against employing the attorneys saw a chance to save some money and immediately made a motion to reconsider the action just taken. And by a big vote the first motion was ordered reconsidered and the action thereon vacated.

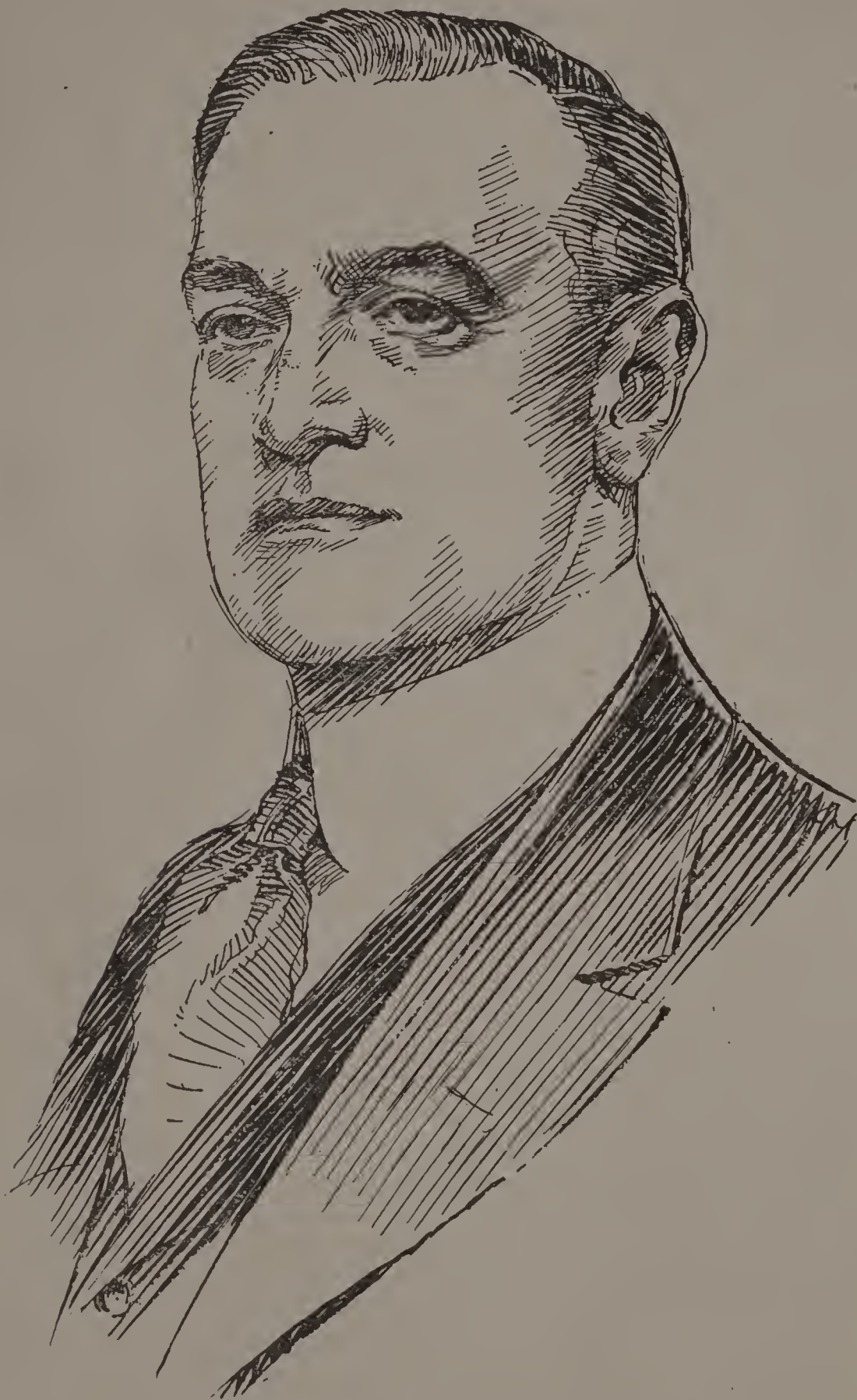
A few days afterward it developed in reconsidering, that a rule of Parliamentary law had been violated. Only a member who had voted for the first motion could put the motion to reconsider. As a result it looked for a long time like the Tenant's Association had been obligated to employ two expensive attorneys. The only solution was to call another meeting—an expensive and inconvenient process for many of the members, which could have been avoided if they had possessed a knowledge of the fundamental rules of Parliamentary procedure.

You recall the action of the Tennessee Legislator referred to in the news clipping reproduced on a near by page.

\* \* \* \* \*

### *JEFFERSON'S MANUAL*

The need for a correct system of Parliamentary procedure is by no means of recent origin. It was first recognized over a hundred years ago by Thomas Jefferson who wanted something to guide himself in his Parliamentary duties.



HERMAN AMES PHILLIPS  
DEAN



The solution he found for that problem is told in the following paragraphs. You will find the story decidedly interesting.

\* \* \* \* \*

Jefferson's Manual was prepared by Thomas Jefferson for his own guidance as President of the Senate in the years of his Vice-Presidency, from 1797 to 1801. In 1837 the House, by rule which still exists, provided that the provisions of the Manual should "govern the House in all cases to which they are applicable and in which they are not inconsistent with the standing rules and orders of the House." In 1880 the committee which revised the rules of the House declared in their report that the Manual, "compiled as it was for the use of the Senate exclusively and made up almost wholly of collations of English parliamentary practice and decisions, it was never especially valuable as an authority in the House of Representatives, even in its early history, and for many years past has been rarely quoted in the House."

This statement, although sanctioned by high authority, is extreme, for in certain parts of the Manual are to be found the foundations of some of the most important portions of the House's practice.

\* \* \* \* \*

## *RELATIONS OF THE PARLIAMENTARY LAW TO THE EARLY PRACTICE OF CONGRESS*

### *Jefferson's Own Statement*

"But to what system of rules is he to recur, as supplementary to those of the Senate? To this there can be but one answer: To the system of regulations adopted for the government of some one of the parliamentary bodies within these States, or of that which has served as a prototype to most of them. This last is the model which we have all studied, while we are little acquainted with the modifications of it in our several States. It is deposited, too, in publications possessed by many, and open to all. Its rules are probably as wisely constructed for governing the debates of a deliberative body, and obtaining its true sense, as any which can become known to us; and the acquiescence of the Senate, hitherto, under the references to them, has given them the sanction of their approbation."

\* \* \* \* \*

## *THE NEED FOR PARLIAMENTARIANS*

In the United States today there are literally thousands of organizations and societies represented by officers elected because of an assumed ability to lead.

J. G. CANNON

House of Representatives U. S.  
Washington, D. C.

To Whom It May Concern:

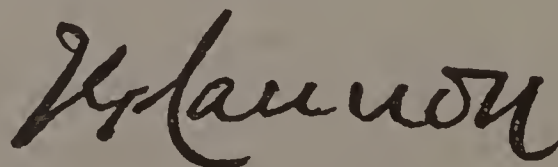
Mr. Herman A. Phillips for eight years during my service as Speaker of the National House of Representatives was Journal Clerk, and I was dependent upon him, as Journal Clerk, and Mr. Asher C. Hinds, as Clerk to the Speaker's table, for assistance in the performance of the duties of my office more than any other two men in the House of Representatives.

Without hesitation I take pleasure in stating that I am satisfied they are the two best parliamentarians in the United States, of high character in every respect.

Any courtesy extended Mr. Phillips will be a favor to me.

With respects, etc., I am,

Yours very truly,

A handwritten signature in dark ink, appearing to read "J. G. Cannon", written in a cursive style.

Some of these leaders are competent. The great majority are not, any more than the rank and file of the organization.

Chance makes some men leaders, but the terms of such men would be short lived if members were to train themselves in the fundamentals of Parliamentary Law and Public Speaking.

*No member can justly complain that he is poorly represented unless he, himself, can do better than his leader.*

Business organizations which hold memberships in a number of associations frequently are unable to secure adequate representation at the various meetings because there are no qualified persons to send.

The Vice-President of one of Chicago's big corporations had in his organization only one man who could represent the company properly at meetings. One day four associations, in which the company held memberships, scheduled meetings for the same hour, and as one man could not be in four places simultaneously the company suffered a severe loss through lack of representation at three of the meetings. All of the meetings were important to this corporation but no one of them could be postponed as others had come a considerable distance to attend.

*Such an instance is within your own recollection.*

It is an assured fact that the business world offers wonderful opportunities to the man or woman who can represent their company adequately and who can advocate propositions on its behalf. Speakers with this ability are always in demand.

Excellent opportunities are offered to the progressive woman who wants to take advantage of the unlimited opportunities granted her by the Suffrage Amendment. Women who are interested in civic and club affairs will find in our training that which they need to succeed and for which they have been looking for so many years.

## *THE OPPORTUNITY IN PUBLIC AFFAIRS*

It is a well known fact that the majority of men in political and public life today are lawyers. It was their law training which gave them the foundation for the knowledge of Parliamentary procedure needed for capable leadership, and yet all lawyers are not parliamentarians. Without Parliamentary training, gained through experience, these leaders would have been almost impotent—with it they command respect and confidence. As a result they take the lead in most all affairs.

You have noticed that even in a convention composed largely of Bankers, Scientists, Doctors, Tradesmen or the Crafts that the lawyer is looked to for the principal address.



October 6, 1920.

Messrs Curran & Phillips,  
Chicago, Illinois.

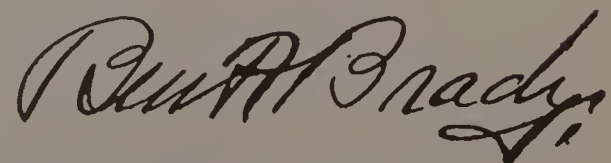
Gentlemen:

After a very careful reading of the manuscript of your proposed course in Parliamentary Law and Public Speaking I wish to state that I am now agreeable to subscribe to the general expression of those belonging to fraternal organizations that the ability of the presiding officer lies almost entirely in the degree of his understanding of Parliamentary Law.

I have observed in the organizations of which I am a member what always seemed to me as a lack of knowledge of the fundamentals requisite to properly conduct the meetings but I now find that those whom I was often on the verge of criticising were not to blame for their apparent lack of ability because there has been nothing up to now that could give a person a real training in Parliamentary Law and the procedure thereunder.

This work has my entire endorsement and I wish to thank you for permitting me to gain the very valuable information which I have been able to get. I shall pursue this study with you and wish to express my very best wishes for your success.

Very truly yours,



Mr. Brady is a graduate of Lumbard College and former City Attorney of Ottawa, Ill.; also Past Chancellor, K. P. and former member Grand Lodge of Illinois, K. P.; Past Exalted Ruler, B. P. O. E. and member of Grand Lodge, B. P. O. E.; member Knight of Khorrassan and member Imperial Palace of Khorrassan.

Any man or woman who will devote the small amount of time and energy needed to master Parliamentary Procedure will be opening up a path to profitable participation in public as well as social life. This statement is especially applicable to men in business whose training has been one-sided and to women who have not heretofore had much opportunity.

The story is told of a prominent Illinois business man who was offered his party's nomination for State Senator from his district. The nomination was equivalent to election. And yet the business man declined and privately confessed that his reason for doing so was his lack of knowledge of Parliamentary procedure, which he felt, would prevent him representing his constituents intelligently.

If you will review the history of the American people, you will find that the men who have moulded public opinion were Parliamentarians of the first water. The most outstanding of this group have with few exceptions received their training in the National House of Representatives or the Continental Congress.

Among those who actually accomplished things and did most in a public way were Washington, Franklin, Jefferson, Madison, Hamilton, Henry, The Adams', Clay, Calhoun, Polk, Webster, Randall, Cobb, Randolph, Lincoln, Douglass, Blaine, Harrison, Garfield, McKinley, Reed, Carlisle, Crisp, Henderson, etc.

And today we have in the House and in the Senate a number of Legislative Genius' such men as Gillette, Cannon, Clark, Mann, Kitchin, Mondell, Lodge, Harding, Williams, Knox, Borah, Johnson, Reed and many others of great ability who can be depended upon to uphold the principles urged by the Fathers.

## YOUR FUTURE

It is an indisputable fact that proficiency in Parliamentary Law, Public and Vocational Speaking offers a combination of two golden opportunities. On the one hand you have the chance to enter politics and public life; on the other you can remain in business and qualify *to take the leader's part*. Regardless of which path you choose, the rewards, prestige and power are unusually excellent.

*"The greatest single factor in making a systematic study of Parliamentary Procedure is the rules of the National House of Representatives."*

Progress requires only *purpose* and *training*. The American Philomathic Society will provide you the training as the following chapters of this book will demonstrate.

JAMES W. CARMALT  
ALFRED G. HAGERTY  
WILLIAM G. WHEELER

LAW OFFICES OF  
CARMALT, HAGERTY AND WHEELER

MUNSEY BUILDING  
WASHINGTON, D. C.

October 5, 1920

J. P. Curran, Esq.,  
c/o Frank Palmba,  
Room 937 - 127 No. Dearborn St.,  
Chicago, Ill.

Dear Sir:

I thank you for sending me the outline of what you are to give in the Home Study Course in Parliamentary Law and Public Speaking. You could not in this way develop subjects of much greater importance. The encouragement given by those so well known in the educational field of this country speaks highly of the undertaking. In my judgment the teaching of parliamentary law, using as a basis the Constitution of the United States, will be of high value, since in that manner much of our legislative history will receive treatment not heretofore given. Certainly there is much room in our educational field for the teaching of American institutions.

Very truly yours,

*A. G. Hagerty*

AGH/CAR



## CHAPTER 2

### PARLIAMENTARY LAW, PUBLIC AND VOCATIONAL SPEAKING

#### *Method of Instruction*

The American Philomathic Society conducts its instruction through the non-resident method exclusively.

This method has been in vogue for more than thirty years and is a proved success. Leading universities such as Chicago, Columbia and Wisconsin, have extensive home study departments and give regular university credit for work done through the correspondence method.

The late President Harper of the University of Chicago made the following statement:

“The work done by correspondence is even better than that done in the classroom. The correspondence student does all the work himself. He does twenty times as much reciting as he would in a class where there are twenty people. He works out the difficulties himself and the results stay with him. In resident work, with the teacher at his elbow, the information comes easily and quickly and often goes as easily and quickly.”

In properly conducted correspondence instruction nothing is left to chance. Everything is put into printed or written form and is as accessible ten years from today as it is at the present, and when properly constructed it will be accurate and will stand the test of time. Thus facilities for frequent and profitable review are offered.

#### *Regulate Your Own Study Time*

*When you enroll with the American Philomathic Society you are treated in your study as an individual.* You are in a class by yourself; you go slowly or rapidly just as you choose; you are master of your own time and progress. If you are particularly rushed with business duties in one season of the year you can suspend the reading of the Courses with the assurance that you can make up back work when you have more time at your disposal.

The Society places no embargoes on *your* time. There are no vacation periods—no weather interference. And there can be no deferred sessions owing to the “professor’s illness”—no wasted time spent in arguments between the “star” students.

Most of our student members are men and women engaged in business who want to learn the art of leadership as a means of qualifying for better things. You earn while you learn. You do not have to sacrifice any business connection or leave your daily work.

CHAMP CLARK, M. C.  
9TH MO. DISTRICT

WALLACE D. BASSFORD, CLERK  
ROBERT BOWMAN, JR., ASST. CLERK

House of Representatives U. S.

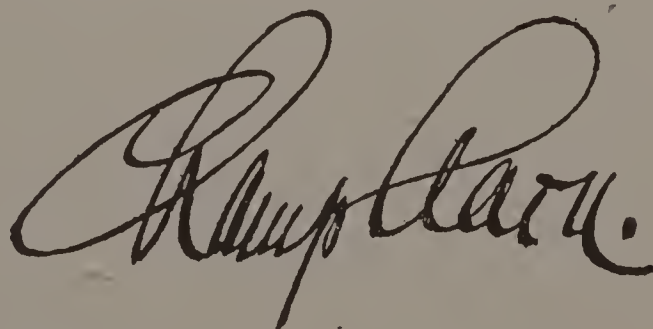
MINORITY CONFERENCE ROOM

Washington, D. C.

To Whom It May Concern:

I have known Mr. Herman A. Phillips for several years. He is the Journal Clerk of the House, and during the fourteen years that I have known him, I have seen him practically every day. I know him to be a man of good habits, high character, sober, industrious, affable, and punctual. He is a general favorite with the members of the House.

Very sincerely yours,

A handwritten signature in cursive script, reading "Champ Clark". The signature is written in dark ink and is positioned below the typed text "Very sincerely yours,".

## OUTLINE OF THE COURSE

### *Lesson Books*

The basis of our Courses is the series of Lesson Books sent to each member student weekly.

#### *Section One*

Section One of the Lessons covers the fundamentals of Parliamentary Procedure and is based on the Rules of the National House of Representatives with special reference to Speaker's Rulings and precedents. It is essential that the student be well grounded in Procedure and the Precedents for even if one is able to speak but has no knowledge of the proper method, he might better remain silent.

#### *Section Two*

The Second Section of the Lessons treats of Jefferson's Manual—a guide which many will remember was used as a handbook by lodges, clubs, etc.—with its application to the present procedure in the House and Senate.

#### *Section Three*

The Lessons of the Third Section are devoted to the Constitution of the United States viewed from the legislative side with Speaker's Rulings and U. S. Supreme Court decisions.

#### *Section Four*

The concluding Lessons, Section Four, are devoted to the rules of Public and Vocational Speaking. The instruction in these subjects follows the lines laid down by the best recognized authorities. The student who digests this material carefully will have no difficulty in speaking on his feet with ease and sureness.

#### *From the Text*

In another chapter of this Bulletin you will find excerpts *taken from the various Lessons* giving many of the Speakers' Rulings, precedents, side lights on the Constitution, and text from Jefferson's Manual. An examination of this material will yield an excellent insight into the real meat provided for your reading.

#### *Make Up of the Lessons*

In size the Lesson Books measure 6x9 (the same size as this bulletin), and average about fifty pages in length, except the Public and Vocational Speaking, which are less as a great part of the foundation of this study is the text in the other sections. Each Lesson is printed in the same size type that is used here with the general and sub captions in italics. This together with the same paper as this Bulletin will eliminate any cause for eye-strain. In fact, take it by and large, the Lesson Books positively match up with this Bulletin.

#### *Quizes*

With each Lesson you will receive a printed set of Quiz questions based on the text, giving an opportunity to test yourself



on the Lesson material you have read. *These questions will test you as to what you are learning and school you in the use of Parliamentary language.*

There is nothing compulsory about answering these questions but most of our students find it very profitable to do so. All answers you send to us will be carefully examined under the personal supervision of the Dean, Herman Ames Phillips, and returned to you with such criticisms and comment as may be helpful to you.

### CONSULTING SERVICE

Every student member will be accorded the privilege of asking as many questions as desired on matters pertaining to the Course or of a private Parliamentary nature.

Questions arising in connection with the text will be answered by competent instructors under the personal supervision of Mr. Phillips.

Questions outside the text will be answered by Mr. Phillips personally.

THIS SERVICE WILL BE RENDERED FOR A PERIOD OF TWO YEARS from date of enrollment (without extra cost), which is an extension of several months beyond the end of the Course.

Questions on Parliamentary Law which came up in a meeting you attended and which may not have been solved properly may be submitted to us for an opinion. In other words, we offer you an *UNLIMITED CONSULTATION SERVICE* which will be of help in your daily affairs. Our student members say this Service is of great value and a big feature of the Course. An invitation is extended to every member to make full use of it.

All of your questions will go to the department under the personal supervision of Mr. Phillips, Dean of the Society who is recognized as being one of the country's leading parliamentarians. Mr. Phillips' experience in his more than fifteen years as Journal Clerk in the National House of Representatives has given him a training in Parliamentary Procedure which cannot be equaled. An opinion from Mr. Phillips can be considered authoritative. In this connection the letter from former Speaker Jos. G. Cannon, reproduced on a nearby page, tells an interesting story.

### ENCYCLOPEDIC CROSSREFERENCED INDEX

The value of many a course has been seriously weakened through the lack of a good index. This common weakness has been overcome by the authors of our Course.

At the time the final Lesson of Section Three is sent forward you will also receive the Encyclopedic Index printed as a separate volume and covering Sections, One, Two, and Three only. This is a cumulative, crossreferenced Index which will enable you to locate any point discussed or Speaker's Ruling in the various separate Lessons. This added feature makes the entire Course a

MYRTLE TANNER BLACKLIDGE

6123 Indiana Ave.,

Chicago.,

American Philomathic Society

Your course of home study in Parliamentary Law and Public Speaking has grasped my interest in a manner such as no other thing could at this time,

Women in social, fraternal, and public life can profit immensely through this study, and should take immediate opportunity in fitting themselves for the larger activities in which women may engage

To compliment you on the style in general and the quality of the text in particular seems to me the proper thing to do.

With considerable pride I wish to state that I am a parliamentarian of no small degree but since having read over considerable of your course I feel there is much yet for me to learn, and along with my endorsement of your wonderful work, I wish to convey my best wishes for your great success and enclose my check for tuition I am a member of the Illinois Colony Club, Chicago Political Equality League, Washington Park Women's Club, Women's Allied Drug Club, and different civic clubs; I appreciate the help your course would be for any club member.

Yours for success.

*Myrtle Tanner Blacklidge*

handy and authoritative reference library available for instant use in any circumstances. There is enough in the index alone to help you at most any meeting you might be called upon to attend.

### *Encyclopedic Index*

This is not to be confused with the General Outline which accompanies this Bulletin. The General Outline covers only the general topics.

## PUBLIC SPEAKING

The fundamentals of Public Speaking and the preparation of speeches is taught in the Course through the detailed analysis and study of the products of the great statesmen of America and England. Every student member will be required to prepare and write out a speech or so called sales talk. Special stress is laid on the principles of construction of the address and the argument.

This work develops confidence and overcomes fear. The student member is taught "how to talk" effectively to various types of audiences and to individuals in the pursuit of his vocation.

\* \* \* \* \*

## VOCATIONAL SPEAKING

This Course has been compiled under the personal supervision of John Philpot Curran, LL.B., Chicago, and is designed for the students who have had some experience in public speaking and are able to talk somewhat effectively.

Generally, speeches actually delivered are used and but very little especially compiled used except for the purpose of making additional objective analysis to fit the present. *We must take it for granted that the great speakers and parliamentarians* acted with forethought, therefor the sayings of the great masters shall be your models and inspiration.

It will be up to the student to emulate these statesmen by their own creative effort developed through this course of study.

The psychological principles of importance are discussed and their application shown. Special attention is given to persuasive speaking and emphasis is placed upon the importance of securing action by the art of oratory.

A real effort is made to train the student specifically along the line of his best development through assigning subjects dealing with the student's particular vocation.

Thus the salesman is required to submit practical sales talks, the executive practical business talks, the book salesman, his canvass, the lawyer an address to the jury, the judge and politician real vote getting speeches, the clergyman his sermon and so on. Instruction of this kind produces excellent results in a very short length of time.

## CERTIFICATE OF PROFICIENCY

When you have satisfactorily completed the Course, that is all four sections, you will be awarded the Society's Certificate of



CHARLES SCRIBNER EATON

ATTORNEY AND COUNSELOR AT LAW

LAW OFFICES  
SUITE 500 PORTLAND BLOCK  
35 NORTH DEARBORN STREET

TELEPHONE RANDOLPH 281  
"WESTERN UNION" & "POSTAL"  
CABLE ADDRESS "CHASERTON"

CHICAGO  
October 21st, 1920.

The American Philomathic Society,  
127 North Dearborn Street,  
Chicago, Ill.

Gentlemen:-

I have been much impressed with the advanced sheets of your plan for popular education in the rules and procedure now in force in the National House of Representatives and in general parliamentary law and precedents. For in a republican form of government, such as our own, where every man and woman is entitled to, and of duty bound to participate in the management of public affairs, whether through some social, benevolent or fraternal organization or by service in some of the numerous municipal, state and national deliberative bodies, it is the utmost importance that the widest information be had by everybody in proper methods and precedents to be followed.

The evil effects in loss of time, expenditure of public money and long court litigation incident to following wrong precedents and improper handling of so simple a matter as a motion to lay a proposition on the table and the power of the City Council of Chicago at a subsequent meeting to take the same from the table and to reconsider the matter is only too familiar to those acquainted with the famous Board of Education cases in this City wherein the Supreme Court of the State was finally obliged to step in to straighten out the tangle as shown in the case of The People vs Davis as reported in 284 Illinois 439.

I am sure, therefore, that if the plan as contemplated by you be fully developed and wider interest aroused in the study and application of proper parliamentary practices and procedure that a great service will have been rendered.

Very truly yours,  
Very

Charles Scribner Eaton

Mr. Eaton besides being a member of the Board of Aldermen, City of Chicago, is Local Secretary of the Sons of the Revolution.

Proficiency. This document is on excellent paper and is of a size suitable for framing. The member to whom it is awarded will refer to it with a constant source of pride.

*This Certificate is not awarded under any circumstances to members* who do not send in the answers to the Quizes to give us an opportunity to judge the quality of their work in the Course.

## PERIOD OF TIME

The Courses are arranged to cover a period of about six months and the average student can complete the study easily in that time. (It should be noted that the Consulting Service extends over a period of two years from the date of enrolment—without extra cost.) In view of the fact that all instruction is individual you can arrange to read the Course as rapidly or as slowly as you wish. Our staff of instructors will cooperate in every way to make it easy for you to carry a special schedule if you wish.

## THE FEE

This study in its entirety consists of two distinct Courses, one in Parliamentary Procedure, Civics, Organization, etc., the other in Public and Vocational Speaking, but because of the relationship of these subjects one to the other we have deemed it to your interest to consolidate the two and offer as one Course *under one tuition*.

The fee for the Courses in Parliamentary Law and Public and Vocational Speaking is \$75.60 if payment in full is made at the time of enrollment. If a deferred plan of payment is desired convenient monthly installments will be allowed. The fee on this basis is \$84.00. That includes everything—there are no extra charges of any kind.

## CLEAR STYLE

Every part of the Course is written in a plain simple style so that there can be no chance for any student to fail to comprehend the reading. As a result of this arrangement, the lessons are very easy to understand and to remember. The reading matter of the Courses which might under ordinary circumstances be dry, becomes decidedly interesting under our method of treatment.

The quiz questions are clear and to the point, they must be for they are based on actual happenings.

The description of our Courses would not be complete without giving an insight into some of the material treated in the various lessons.

We have therefore selected, *from the text*, certain passages of extraordinary interest which you will find printed following. The information given will be of help to you at once in addition to providing an idea of the merits of the entire study.

LEONIDAS A. LOWREY  
2046 TRANSPORTATION BUILDING  
CHICAGO, ILL.

October 6, 1920.

My dear Mr. Curran:

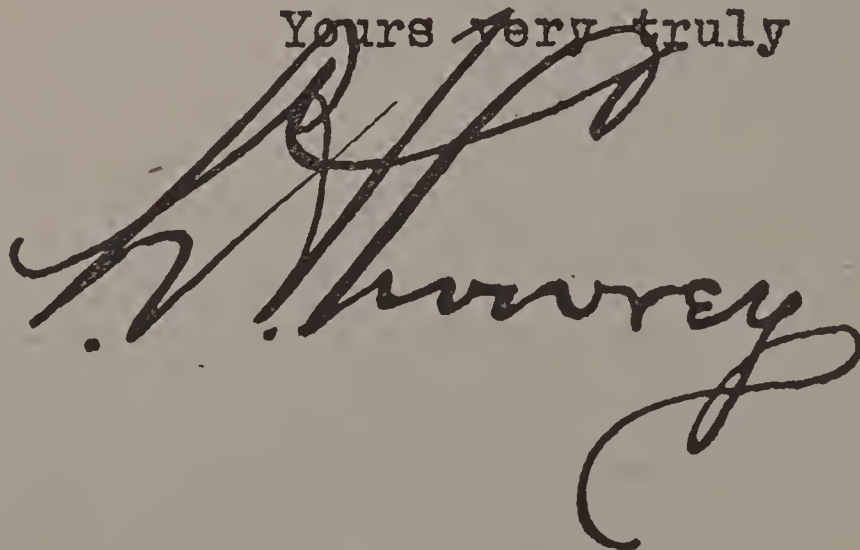
Referring to our conversation this date:

From the outline presented of your course in Parliamentary Law and Public Speaking, including a study of the Constitution of the United States, in my opinion a very comprehensive understanding of our system of Government will result from a careful study of this course and a knowledge of civics that will be most helpful.

A course of this character is most opportune at the present time and will be worth a great deal to those who avail themselves of it.

Every American Citizen should study the Constitution of the United States so as to become thoroughly familiar with the form of Government under which we are living.

Yours very truly

A large, stylized handwritten signature in dark ink, appearing to read 'L. A. Lowrey', is written over the typed name 'Leonidas A. Lowrey'.

Mr. Lowrey is Secretary of the Central Freight Association and Chairman of the Standing Switching Committee, Chicago.



### CHAPTER 3

## POINTERS ON THE CONSTITUTION AND ON PARLIAMENTARY LAW

### *Information for You*

Mr. Frederick H. Gillett, of Massachusetts, made the point of order that the resolution contained a proposition not privileged.

After debate the Speaker, Joseph G. Cannon, of Illinois, ruled: "The including of matter not privileged destroys the privileged character of a bill. 'A resolution of inquiry loses its privileged character if matter not privileged be contained therein. A privileged proposition may not be amended by adding thereto matter not privileged or germane to the original question'—citing the various decisions of the House. The rulings of the House heretofore have been that you can not, under the guise of a privileged matter, couple therewith matters not privileged. It seems to the Chair that the House heretofore has decided wisely in that respect."

\* \* \* \* \*

"One of the suppositions on which the parliamentary law is founded is that the Speaker will not betray his duty to make an honest count on a division."

\* \* \* \* \*

### *Member Must Confine Himself to the Subject*

It has always been held, and generally quite strictly, that in the House the Member must confine himself to the subject under debate.

On February 7, 1825, (Eighteenth Congress, Second Session) the rules for the government of the coming Presidential election by the House were taken from the Committee of the Whole, and Mr. George McDuffie, of South Carolina, proceeded to continue the debate begun in Committee of the Whole. The question before the House was a motion to strike out a provision allowing the galleries to be cleared on the motion of one State during the election of President. Mr. McDuffie was discussing whether the people had the right to instruct their delegates, this being brought about through discussion of the influence of people in the galleries.

In the midst of the speech Mr. Daniel Webster, of Massachusetts, observed that he rose with great pain, and he hoped the gentleman from South Carolina would do him the justice to believe that nothing but an imperious conviction of duty induced him to interrupt an argument which he knew it would give him pleasure to hear; but he submitted whether it was in order to go into an argument in the House in reply to an argument urged in Committee of the Whole any more than if it had been urged in a select committee.

The Speaker, Henry Clay, of Kentucky, decided that the observations of Mr. McDuffie were not in order, on the ground

stated, and that they were not in order for another reason viz., that the whole scope of the debate was irrelevant to the question actually before the House.

\* \* \* \* \*

It is in order to move the previous question on this motion or resolution for the election of Members to committees. (Ruling by Speaker Clark, June 6, 1913, Sixty-third Congress, First Session.)

The Speaker. "On Tuesday last the gentleman from Illinois, Mr. Mann, made a parliamentary inquiry of some importance, to which the circumstances at that particular moment did not necessitate an answer from the Chair, but upon which several prominent Members think the Chair should render an opinion for future guidance, and, it being a new question, the Chair concurs in their suggestion.

The parliamentary inquiry was this: When the floor leader submits to the House a list of nominations for membership on committees, has he or any other Member the right to move the previous question on the said list of nominations?

After due consideration of the question, the Chair is of the opinion that under such circumstances the motion for the previous question is in order."

\* \* \* \* \*

#### Article I. *Legislative Powers Vested in Congress*

**Section I. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.**

#### *Decisions of the Supreme Court of the United States:*

Hayburn's case (notes), 2 Dall., 409; Field v. Clark, 143 U. S., 649; Union Bridge Co. v. United States, 204 U. S. 364; United States v. Heinszen, 206 U. S., 370; St. Louis & Iron Mountain Railway v. Taylor, 210 U. S., 281; Monongahela Bridge Co. v. United States, 216, U. S., 177; United States v. Grimaud, 216 U. S., 614.

\* \* \* \* \*

Same rule of debate on House Calendar bills called up on Calendar Wednesday as on other days, and Member in charge of bill may move previous question as on other days.

On April 7, 1920, Mr. Platt called up the bill H. R. 13138, which was considered in the House. Mr. Platt had consumed about 20 minutes of debate and then moved the previous question, although Mr. Morgan sought recognition for an hour as an opponent of the bill.

Mr. Walsh of Massachusetts made the point of order against the motion for the previous question and said:

The Calendar Wednesday rule provides that debate shall be limited to two hours and shall be equally divided between those

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October 18, 1920.

American Philomatic Society,  
127 No. Dearborn Street,  
Chicago, Ill.

My dear Mr. Curran:

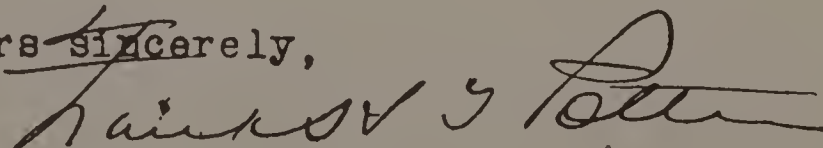
I have read with much interest the advance copies of your publication.

During twenty years of practice of the law in Chicago I have had opportunity to note, with regret, the utter lack of knowledge of the procedure of the National Congress.

Not only should lawyers and executives possess an intimate knowledge of the history and practice of perliamentary law, but with the awakening of what may be termed the National Conscience, especially developed by the national income and inheritance tax laws which makes every man and woman a unit in the organization of our Federal law making body, your work takes on an importance which cannot be over-estimated.

I shall be delighted to follow your efforts and to commend it to the favorable consideration of my associates. You are performing a distinct service to the American people, and should meet with great success.

Yours sincerely,



President.



for and against the bill under consideration. Now, is it in order to move the previous question with the division of the time unequal?

Pending discussion on the point of order the House adjourned.

On April 21, 1920, on motion of Mr. Platt, the House decided to consider the bill as unfinished business.

The Speaker, Frederick H. Gillette thereupon overruled the point of order made by Mr. Walsh and said:

The Chair thinks that is the first business. The determination of this point of order is not without difficulty. It is a puzzling question. What the Chair should determine is, of course, the intent of this new rule. It has never been interpreted. Under Speaker Clark the question was once raised, but the Speaker reserved time for deliberation, and then the question did not come up again, just as it would not have come up to-day except for the two-thirds vote of the House, and so it is a novel question.

The purpose of the Chair will be to decide the question, both in accord with what he thinks was the purpose of those who framed the rule, and also in accord with what he thinks would be for the advantage of the House in carrying out that purpose.

. . . .

\* \* \* \* \*

A Speaker pro tempore sometimes designates another Speaker pro tempore.

On February 12, 1885, (Forty-eighth Congress, Second session) Mr. J. C. S. Blackburn, of Kentucky, who had been elected Speaker pro tempore by the House, designated, by written communication, Mr. Richard P. Bland, of Missouri, to act as Speaker pro tempore during an evening session.

Members of the minority have been called to the chair on occasions of ceremony, but in rare instances on other occasions.

\* \* \* \* \*

#### *Qualifications Other Than Those Specified by the Constitution*

It has been decided by the House and Senate that no State may add to the qualifications prescribed by the Constitution.

On February 27, 1856, (Thirty-fourth Congress, First session) the Senate Judiciary Committee reported on the right of Mr. Lyman Trumbull, of Illinois, to a seat in the Senate. A provision of the Constitution of Illinois provided that certain judges of that State should not be eligible to any other office of the State or United States during the term for which they were elected nor for one year thereafter. Mr. Trumbull had been a judge and came within the prohibitions of the constitution. Hence a question arose as to the effect of qualifications imposed by a State in addition to the qualifications imposed by the Constitution.

# Order Knights of Joseph

SUPREME LODGE  
INCORPORATED UNDER THE LAWS OF THE STATE OF OHIO

MEXER ROSSEN  
CHAIRMAN OF LAW  
1044 - 127 N. DEARBORN STREET  
CHICAGO

October 4, 1920.

Messrs. Phillips and Curran,

Dear Sirs:-

I have read the original manuscript of your treatise on the Constitution of the United States, Jefferson's Manual, Parliamentary Law and Public Speaking and desire to commend you for your painstaking care in its compilation.

It is hardly believable that the concise exposition of one side of our National life could be so graphically told as in the Speakers Rulings on matters of Legislation arising in the Congress.

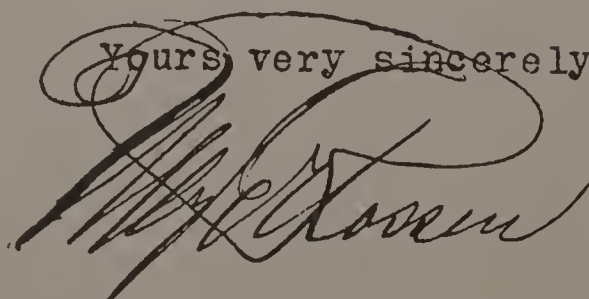
The citation of U. S. Supreme Court Rulings gives this work an authoritativeness beyond argument and the educational value of these alone will appeal readily to all citizens.

If Americanism is to be advanced, the section on the Constitution is the medium as it is immensely interesting and profoundly inspirational. Your presentation of this is so simple that anyone able to understand English should grasp the full import without difficulty.

I believe every one can profit from the study you give opportunity of securing

With best wishes for deserved success,

Yours very sincerely,



Mr. Rossen is a graduate of Lake Forest University; Chicago College of Law; now Assistant Attorney General, State of Illinois; for eight years Chairman of Law, and for two years Chairman of Endowment, Knights of Joseph.



## BILL OF RIGHTS RETAINS PROVISIONS OF MAGNA CHARTA

Such, e. g., as the guaranty in paragraph 40 of Magna Charta.

### *PURPOSE AND USE OF BILL OF RIGHTS*

"The Bill of Rights, 1689, is historically the most interesting part of these constitutions, for it is the legitimate child and representative of Magna Charta, and of those other declarations and enactments, down to the Bill of Rights of the Act of I William and Mary, session 2, by which the liberties of Englishmen have been secured. Most of the thirteen colonies, when they asserted their independence and framed their constitutions, inserted a declaration of the fundamental rights of the people, and the example then set has been followed by the new states, and indeed, by the states generally in their most recent constitutions. Considering that all danger from the exercise of despotic power upon the people of the states by the executive has long since vanished, their executive authorities being the creatures of popular vote and nowadays rather too weak than too strong, it may excite surprise that these assertions of the rights and immunities of the individual citizen as against the government should continue to be repeated in the instruments of to-day. A reason may be found in the remarkable constitutional conservatism of the Americans, and their fondness for the enunciations of the general maxims of political freedom. But it is also argued that these declarations of principle have a practical value as asserting the rights of individuals and of minorities against arbitrary conduct by a majority in the legislature, which might in the absence of such provisions be tempted at moments of excitement to suspend the ordinary law and arm the magistrate with excessive powers. They are, it is held, still safeguards against tyranny; and they serve the purpose of solemnly reminding a state legislature and its officers of those fundamental principles which they ought never to overstep."

\* \* \* \* \*

On May 2, 1906, (Fifty-ninth Congress, First Session) the Speaker laid before the House the request of a member for leave of absence. Usually such leaves are granted by unanimous consent, but in view of the fact that objection was being made to all requests for unanimous consent, the Speaker was proceeding to put the question on granting the leaves.

Thereupon Mr. John S. Williams, of Mississippi, objected that no motion had been made.

The Speaker, Joseph G. Cannon, of Illinois, thereupon entertained a motion made by Mr. Williams that the member have leave of absence, and the motion was agreed to by the House.

Whether or not they are privileged is a matter of doubt.

\* \* \* \* \*

In the history of our Government it has never been claimed that the House of Representatives, acting alone, possessed the power to add to or change the qualifications of its Members.



The vain attempt made by Mr. Randolph, in the case of *Barney v. McCreery*, in the Tenth Congress, to vindicate a claim of that kind in favor of the States, signally failed, and has never been repeated in the House.

\* \* \* \* \*

Mr. Justice Story, in his discussion of the subject of the qualifications of Representatives in Congress, says that it would seem but fair reasoning, upon the plainest principles of interpretation, that when the Constitution established certain qualifications as necessary for office it meant to exclude all others, as prerequisites, and that from the very nature of such a provision the affirmation of these qualifications would seem to imply a negative of all others. And although it is certain that the letter of those constitutional provisions which relate to Representatives from the States does not apply exactly to the cases of Delegates from the Territories, still it is just as certain that their spirit does.

\* \* \* \* \*

#### *INTERPRETATION OF THE CONSTITUTION AS TO NUMBER CONSTITUTING A QUORUM*

Out of conditions arising between 1861 and 1891 the rule was established that a majority of the Members chosen and living constituted the quorum required by the Constitution, but later examination has resulted in a decision confirming in the House of Representatives the construction established in the Senate that a quorum consists of a majority of Senators duly chosen and sworn. So the decision of the House now is that after the House is once organized the quorum consists of a majority of those Members chosen, sworn, and living whose membership has not been terminated by resignation or by the action of the House.

\* \* \* \* \*

Against this amendment Mr. Robert C. Schenck, of Ohio, raised a point of order, saying:

Congress has powers prescribed by the Constitution. They are general when Congress finds itself with a quorum in each body composing Congress prepared to do business. There is a special power when that case does not occur and when each House finds itself without a quorum. How is it when there is not a quorum present? The Constitution then intervenes and makes a rule. When Congress finds itself assembled without a quorum in either branch the Constitution prescribes what it can do, what it may do, what if it chooses it must do, but gives no latitude to any other body, or to the body itself outside of its action when the case occurs, to prescribe in advance that it shall do certain things and only certain things. . . . .

\* \* \* \* \*

#### **SENATE TRIES IMPEACHMENT AND CONVICTS BY TWO-THIRDS VOTE**

(6) The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the



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CHICAGO

October 8th, 1920

Mr. J. P. Curran,  
937 - 127 N. Dearborn St.,  
Chicago, Illinois.

Dear Sir:

I have been very much interested in the outline of your course in Parliamentary Law and Public Speaking which you submitted to me for criticism. It looks good to me and I am glad to have this opportunity to say that I feel quite sure it will be of great assistance to those who are compelled, through business or otherwise, to attend meetings.

Our Association is a voluntary organization and is governed by parliamentary practice and procedure; instances are constantly arising where a thorough knowledge of Parliamentary Law is essential and this knowledge is frequently of vital importance in meetings of business men organized for profit.

The deliberative body can only accomplish its purposes in proportion to the understanding its members have of Parliamentary Law, and every man in business should acquire the art of expression in order to avoid embarrassment, especially when called upon for extemporaneous speech.

I believe your course will produce the results you claim for it and wish you all possible success in your new venture.

Yours very truly,

Secretary-Treasurer  
THE CONTAINER CLUB.



United States is tried, the Chief Justice shall preside: and no person shall be convicted without the concurrence of two-thirds of the members present.

In 1868, after mature consideration, the Senate overruled the old view of its functions, and decided that it sat for impeachment trials as the Senate and not as a court, (Fortieth Congress, Second Session) and eliminated from its rules all mention of itself as a "high court of impeachment."

*THE PRESIDING OFFICER*

An anxiety lest the Chief Justice might have a vote in the approaching trial of President Andrew Johnson seems to have prompted this action (Fortieth Congress, Second Session). There was examination of the question of the Chief Justice's power to vote; but the Senate declined to . . . . .

\* \* \* \* \*

Mr. Justice Harlan said, "I fully concur with Mr. Justice Field that, since the adoption of the Fourteenth Amendment, no one of the fundamental rights of life, liberty, or property recognized and guaranteed by the Constitution of the United States can be denied or abridged by a state in respect to any person within its jurisdiction."

\* \* \* \* \*

"While, therefore, the ten amendments, as limitations on power, and so far as they accomplish their purpose and find their fruition in such limitations, are applicable only to the federal government, and not to the states, yet, so far as they declare or recognize the rights of persons, they are rights belonging to them as citizens of the United States under the Constitution; and the Fourteenth Amendment, as to all such rights, places a limit upon State power by ordaining that no state shall make or enforce any law which shall abridge them. If I am right in this view, then every citizen of the United States is protected from punishments which are cruel and unusual. It is an immunity which belongs to him, against both state and federal action."

\* \* \* \* \*

*GENERAL PRINCIPLES AS TO PRECEDENCE OF QUESTIONS OF PRIVILEGE*

The clause of the rule giving questions of privilege precedence of all other questions except a motion to adjourn is a recognition of a principle always well understood in the House, for it is an axiom of the parliamentary law that such a question "supersedes the consideration of the original question, and must be first disposed of."

Jefferson's Manual, (treated in detail in Section II of this course) in the latter portion of Section XXXIII, provides:

**A matter of privilege arising out of any question, or from a quarrel between Two Members, or any other cause,**



supersedes the consideration of the original question, and must be first disposed of.

As the business of the House began to increase it was found necessary to give certain important matters a precedence by rule, and such matters are called "privileged" questions. But as they relate merely to the order of business under the rules, they are to be distinguished from "questions of privilege," which relate to the safety or efficiency of the House itself as an organ for action.

"This House, then, is governed by the general parliamentary law such as has been established in the same manner that the common law of England was established, by repeated decisions and the general acquiescence of the people in a system which governs all ordinary assemblies.

The United States is filled with people unusually devoted to public meetings. These public meetings have to be governed by a system of rules or principles which have been both designated and acted upon by various meetings in great numbers to such an extent that a well-defined parliamentary law has been established.

The suggestion which has been made during this debate that the matter of the control of the House is under the exclusive control of the occupant of the chair is at this very moment receiving a negative, because an appeal is pending in this case, as has been or might be in many others, against the decision of the Chair. All decisions from the Chair by appeals, which are made under proper circumstances and in good faith, are subject to revision by the majority of the House. Consequently there is not and can not be any arbitrary control of this body against its will. The Speaker, for the time being and as a matter of convenience arising from the nature of his office, makes a ruling upon the subject which is before the House. That ruling is always subject to revision by the House itself, and no one can take away that right on the part of the House."

\* \* \* \* \*

## GENERAL PARLIAMENTARY LAW

### *How to Perfect a Temporary Organization*

If you should invite a number of your neighbors to your house to discuss some matter of local importance, the first business would be to perfect a temporary organization so that order might be preserved. The way to do this is for some person to call the meeting to order, state the purpose of the meeting and either nominate some person for Chairman or call for nominations. After the nomination has been made some one can second it, but it is not necessary in a temporary organization. When a Chairman has been decided upon, a Secretary should be nominated and elected in the same manner. This constitutes a temporary organization, and the meeting is ready to proceed with its business.

If your society is to be made permanent, you should perfect a permanent organization.

## FIGHT TO OUST 5 N. Y. SOCIALISTS IS BEGUN AGAIN

Albany, N. Y., Sept. 20.—Col. Ran-  
som Gillette, Republican member of  
the assembly introduced a resolution in the  
tonight in extraordinary session ask-  
ing that the five Socialists reelected  
last Thursday to fill the vacancies  
caused by their expulsion last April  
be excluded from the extraordinary ses-  
sion. The resolution was referred to  
the judiciary committee.  
The reference was made on motion of Majority  
Leader Adler.

Louis Waldman, one of the Socialists,  
representing the Eighth New York dis-  
trict, raised a point of order on the  
reception of the resolution. Assembly-  
man Cuvillier raised the issue that  
Waldman was not a member of the  
house.

Speaker Sweet ruled that if Wald-  
man had taken the oath of office he  
was a member. The speaker was sus-  
tained by the house on an appeal from  
the ruling. The five members were  
sworn today.

Waldman's point of order was that  
the resolution offered by Col. Gillett  
was not a privileged resolution and that  
it was not in order. Speaker Sweet  
ruled the point not well taken.

## SUFFRAGE FOES PREDICT VOTE TO RECONSIDER

### Bribe Quiz Ordered in Tennessee.

Nashville, Tenn., Aug. 19.—Forty-  
seven members of the Tennessee lower  
house have signed a pledge to vote to  
reconsider ratification of the woman  
suffrage amendment, Speaker Walker  
of the house declared tonight, speak-  
ing at a mass meeting called by those  
opposed to woman suffrage. Others  
will sign the pledge tonight and tomor-  
row, Mr. Walker said, declaring that  
the ratification vote would be recon-  
sidered.

The house adjourned at noon today  
until tomorrow morning without refer-  
ence to suffrage.

**Last Day to Act.**  
Mr. Walker was leader of the anti-  
suffrage forces in the fight in the house  
and changed his vote to "aye" in  
order to move for reconsideration. The  
house concurred in the senate ratifica-  
tion resolution 50 to 46.

The move for reconsideration must  
be made tomorrow to be acted upon.  
There are ninety-nine members of the  
lower house, making fifty votes of the  
constitutional majority. When the  
suffrage resolution passed on Wednes-  
day, ninety-six votes were cast, there  
being three absentees, of whom two  
are known to be pro-suffrage.  
With reconsideration of the suffrage  
question assured for tomorrow, there  
was no letup on the part of the suffrage  
leaders to keep their men in line.





## THE FOURTEENTH AMENDMENT

Purpose and Effect.—This amendment was the outgrowth of conditions existing at the close of the war between the states, and was intended to insure the preservation of the constitutional results of that struggle. At the same time it was a re-enactment of ancient civil guaranties, and is to be considered with reference to that fact.

While Intended Primarily for the Benefit of the African Race.—It has been so broadened by judicial construction as to have become a sort of new Magna Charta for all races domiciled within the United States.

Effect of Fourteenth Amendment on Application of First Ten Amendments.—A theory has of late been advanced that the adoption of the Fourteenth Amendment has operated to render the provisions of the first ten amendments applicable to the states because these latter confer certain privileges and immunities upon citizens of the United States which by the Fourteenth Amendment the states are prohibited from abridging.

\* \* \* \* \*

An Indian who has not been naturalized or made a citizen by one of the recognized legal modes does not become one by virtue of this amendment, though he has separated himself from his tribe and subjected himself to the national and state governments.

\* \* \* \* \*

But the right to practice Law in the State Courts is not such a privilege and immunity.

\* \* \* \* \*

"Some fears have been expressed as to what would be the result if the occupant of the chair desired to wrest from the Members their control. All parliamentary law must be based upon the supposition that a man who is elected to preside over the deliberations of a body will be an honest official—honestly perform his duty."

\* \* \* \* \*

"The right of appeal insures the House against the arbitrary control of the Speaker and can not be taken away from the House."

\* \* \* \* \*

On February 11, 1857, Mr. Sam Houston, of Texas, while speaking in the Senate, asked for order, saying:

"Sir, I well remember the august and solemn appearance of this body some twenty years ago, when the fathers sat here. Then it was a majestic body indeed. There was something awful in its appearance. The solemn stillness, the gravity of Senators, the propriety of conduct, the silent auditory—all impressed the spectator with a solemn awe when he entered this Chamber or came into its galleries or lobbies. The House of Representatives, too, was silent. If there a voice was heard in the galleries, instantly the eye of the Speaker rested upon the Sergeant-at-Arms, and a messenger or the Sergeant in person immediately



repaired to the individual in the gallery and touched him, and there was silence. If a Member sat in an indecorous position, or laid his foot upon his desk, the Speaker sent his page with this message: "The compliments of the Speaker to Mr. \_\_\_\_\_, and he will please take down his foot;" and he never put it up a second time. There was grandeur about legislation then."

\* \* \* \* \*

On April 20, 1798 (Fifth Congress, First session) the Speaker being indisposed, (this was before the present rule relating to sickness of Speaker) and unable to attend, it was, on motion,

*Resolved*, That this House do now proceed, by ballot (Speakers are now elected viva voce and Speakers pro tempore by resolution) to the choice of a Speaker pro tempore, to perform the duties assigned to the chair, during the absence of the Speaker.

The House accordingly, after some discussion as to the propriety of the action, proceeded, by ballot, to the appointment of a Speaker pro tempore; and the ballots being taken, a majority of the votes of the whole House was found in favor of George Dent, one of the Representatives for the State of Maryland.

After the Speaker pro tempore had been conducted to the chair.

*Ordered*, That a message be sent to the senate to notify them of the said appointment; and that the Clerk of this House do go with the said message. (The present usage is to send a message to the President also.)

\* \* \* \* \*

### JEFFERSON'S MANUAL AS A STATEMENT OF PARLIAMENTARY LAW

The Manual is regarded by English parliamentarians as the best statement of what the law of Parliament was at the time Jefferson wrote it. Jefferson himself says, in the preface of the work:

"I could not doubt the necessity of quoting the sources of my information, among which Mr. Hatsel's most valuable book is preeminent; but as he has only treated some general heads, I have been obliged to recur to other authorities in support of a number of common rules of practice, to which his plan did not descend. Sometimes each authority cited supports the whole passage. Sometimes it rests on all taken together. Sometimes the authority goes only to a part of the text, the residue being inferred from known rules and principles. For some of the most familiar forms no written authority is or can be quoted, no writer having supposed it necessary to repeat what all were presumed to know. The statement of these must rest on their notoriety.

"I am aware that authorities can often be produced in opposition to the rules which I lay down as parliamentary. An attention to dates will generally remove their weight. The proceedings of Parliament in ancient times, and for a long while, were crude, multiform and embarrassing. They have been, however,

constantly advancing toward uniformity and accuracy, and have now attained a degree of aptitude to their object beyond which little is to be desired or expected.

"Yet I am far from the presumption of believing that I may not have mistaken the parliamentary practice in some cases, and especially in those minor forms which, being practiced daily, are supposed known to everybody, and therefore have not been committed to writing. Our resources in this quarter of the globe for obtaining information on that part of the subject are not perfect. But I have begun a sketch, which those who come after me will successively correct and fill up, till a code of rules shall be formed for the use of the Senate, the effects of which may be accuracy in business, economy of time, order, uniformity and impartiality."

\* \* \* \* \*

On January 10, 1842, (Twenty-seventh Congress, Second session) Chairman George W. Hopkins, of Virginia, in the course of a ruling made in the Committee of the Whole, said: "A chairman does not sit here to expound rules according to his own arbitrary views. A just deference for the opinions of his fellows should constrain him to give to precedent its proper influence; and until the House shall reverse them, to give them all the consideration which is due to cases heretofore settled by a solemn decision of the House."

\* \* \* \* \*

Mr. Omar D. Conger, of Michigan, asked if it did not require a majority of all the Members elected to the House to elect a Speaker.

The Clerk, George M. Adams, of Kentucky, replied: "It requires a majority of those voting to elect a Speaker, as it does to pass a bill. The rule requires that a quorum shall vote." Since 1890 the requirement has been the quorum present, rather than the quorum voting. In the decision of the Supreme Court sustaining the ruling of Mr. Speaker Reed, the court had used this language:

"And here the general rule of all parliamentary bodies is that when a quorum is present, the act of a majority of the quorum is the act of the body itself."

\* \* \* \* \*

On February 14, 1901, (Fifty-sixth Congress, Second session) while the sundry civil appropriation bill was under consideration the Committee of the Whole House on the state of the Union, a vote was taken on an amendment proposed by Mr. James D. Richardson, of Tennessee, and relating to certain payments on account of the old custom-house in New York City.

On a division, there being ayes 75, noes 75, Mr. Richardson demanded tellers, which were ordered.

Before the announcement of the vote by tellers the Chairman, Henry S. Boutelle, of Illinois, announced that he would like to be considered as having gone between the tellers. Thereupon he

**The University of Chicago**  
**The School of Commerce and Administration**

March 15, 1919

Mr. John P. Curran  
Chicago, Illinois

My dear Mr. Curran:

Within a few days you should receive the University's check as an honorium for your lecture of March 7 on Market Structure and Function. Please let me know if the check does not reach you promptly that I may follow up my certification.

As I believe you realize, this check is only one expression of our appreciation of your cooperation. This letter will not have done its part if it does not carry to you my personal thanks.

Yours very sincerely,

*Chester W. Wright,*  
Acting Dean

CWW JJN



announced the result, ayes 92, noes 92, and that the amendment was lost.

\* \* \* \* \*

*HERE IS A POINT TO REMEMBER  
INTERRUPTION OF A MEMBER IN DEBATE*

A member having the floor may not be taken off his feet by an ordinary motion, even the highly privileged motion to adjourn.

On December 2, 1890, (Fifty-first Congress, Second Session) Mr. William E. Simonds, of Connecticut, had been recognized by the Speaker, when Mr. Albert J. Hopkins, of Illinois, moved that the House adjourn.

The Speaker, Thomas B. Reed, of Maine, held the motion out of order on the ground that Mr. Hopkins had not the floor, Mr. Simonds having been recognized and being in possession of the floor.

\* \* \* \* \*

On July 1, 1856, Mr. William A. Howard, of Michigan, from the select committee which had been appointed to investigate the troubles in Kansas, submitted, as a question of privilege, a report in writing.

Mr. George S. Houston, of Alabama, made the point of order that, inasmuch as it had been admitted that the paper presented had not been acted upon at a full meeting of the committee, it could not be received as the report of the committee.

The Speaker, Nathaniel P. Banks, of Massachusetts, overruled the point of order, on the ground that it was competent for a majority of the committee to act. From this decision of the Chair, Mr. Hendley S. Bennett, of Mississippi, appealed. The appeal was laid on the table.

\* \* \* \* \*

An instance occurred on May 10, 1866 (Thirty-ninth Congress, First Session) when Mr. Speaker Colfax voted for the joint resolution proposing an amendment to the Constitution. The entry was: "The Speaker voted in the affirmative."

The duty of giving a decisive vote may be exercised after the intervention of other business, or after the announcement of the result or on another day, if a correction of the roll shows a condition wherein his vote would be decisive.

\* \* \* \* \*

Mr. J. Frederick C. Talbott, of Maryland, made the point of order that the resolution did not present a question of privilege.

The Speaker, John G. Carlisle, of Kentucky, said that whenever it was asserted on the floor of the House that the rights or privileges of the House had been invaded or violated, it was the duty of the Chair to entertain the said question, at least to the extent of submitting it to the House. Therefore he overruled the point of order.

## JEFFERSON'S MANUAL OF PARLIAMENTARY PRACTICE

### *Sec. 1.—Importance of Adhering to Rules as Related to the Privileges of Minorities*

Mr. Onslow, the ablest among the Speakers of the House of Commons, used to say: "It was a maxim he had often heard when he was a young man, from old and experienced Members, that nothing tended more to throw power into the hands of administration, and those who acted with the majority of the House of Commons, than a neglect of, or departure from, the rules of proceeding; that these forms, as instituted by our ancestors, operated as a check and control on the actions of the majority, and that they were, in many instances, a shelter and protection to the minority, against the attempts of power." So far the maxim is certainly true, and is founded in good sense, that as it is always in the power of the majority, by their numbers, to stop any improper measures proposed on the part of their opponents, the only weapons by which the minority can defend themselves against similar attempts from those in power are the forms and rules of proceeding which have been adopted as they were found necessary, from time to time, and are become the law of the House, by a strict adherence to which the weaker party can only be protected from those irregularities and abuses which these forms were intended to check and which the wantonness of power is but too often apt to suggest to large and successful majorities.

\* \* \* \* \*

### NECESSITY OF RULES OF ACTION

And whether these forms be in all cases the most rational or not is really not of so great importance. It is much more material that there should be a rule to go by than what that rule is; that there may be a uniformity of proceeding in business not subject to the caprice of the Speaker or captiousness of the members. It is very material that order, decency, and regularity be preserved in a dignified public body.

\* \* \* \* \*

Before the announcement of the vote Mr. Charles K. Wheeler, of Kentucky, requested that pairs be announced.

The Chairman, Sereno E. Payne, said:

"The Chair does not think pairs should be announced in Committee of the Whole. It is an unprecedented thing; and the Chair does not think it can be done."

\* \* \* \* \*

### GENERAL PARLIAMENTARY LAW

#### *How to Perfect a Permanent Organization*

Immediately after the temporary organization has been perfected, a committee should be appointed or elected to draft a constitution, by-laws and standing rules. This committee should consist of members of ability and should be very carefully





JOHN PHILPOT CURRAN, LL. B.  
PRESIDENT



selected for the reason that the work they are to perform is very important. When this committee completes the writing of the constitution, by-laws and rules, they should submit a written copy to a full meeting of the organization; and this should be taken up for consideration by the organization section by section, in order that it may be amended if necessary. When the organization is satisfied that the constitution is as they want it to be it should be adopted as a whole. The constitution and by-laws, when adopted, constitute the *organic law* of the organization and must be obeyed.

\* \* \* \* \*

Mr. Oscar W. Underwood, of Alabama, made the point of order that the House had voted to go into Committee of the Whole, and pending that it was not in order to consider any other business.

After debate the Speaker, David B. Henderson, of Iowa, said:

“The Chair takes this view of it: The Chair has announced that the motion to go into Committee of the Whole House on the state of the Union is carried. That, it seems to the Chair, removes the House and substitutes the Committee. While it is true that reports of the Committee on Rules are of the highest order and take precedence, still we must be in the House in order to consider them, in the opinion of the Chair. There is an easy remedy for it. If it is the pleasure of the committee, it has a right to rise and go back into the House. The Chair is very clear, however, that the House is in Committee of the Whole and would not be in a position to entertain a motion to adjourn even, which is a motion of the highest privilege if made in good faith, and therefore the Chair sustains the point of order and calls upon the gentleman from Ohio (Mr. Grosvenor) to take the chair.

\* \* \* \* \*

Mr. John A. Kasson, of Iowa, made the point of order that the resolution was not privileged, being not a bill but only a declaratory resolution.

After debate the Speaker, J. Warren Keifer, of Ohio, held that the rule gave the Committee on Ways and Means right to report at any time only bills raising revenue, and sustained the point of order.

\* \* \* \* \*

## JEFFERSON'S MANUAL

### *Treaties. General Nature of Treaties*

Treaties are legislative acts. A treaty is the law of the land. It differs from other laws only as it must have the consent of a foreign nation, being but a contract with respect to that nation. In all countries, I believe, except England, treaties are made by the legislative power; and there, also, if they touch the laws of the land they must be approved by Parliament. It is acknowledged for instance, that the King of Great Britain cannot by a treaty make a citizen of an alien. An act of Parliament was necessary

to validate the American treaty of 1783. And abundant examples of such acts can be cited. In the case of the treaty of Utrecht, in 1712, the commercial articles required the concurrence of Parliament; but a bill brought in for that purpose was rejected. France, the other contracting party, suffered these articles, in practice, to be not insisted on, and adhered to the rest of the treaty.

\* \* \* \* \*

On February 2, 1894, (Fifty-third Congress, Second Session) Mr. Elijah A. Morse, of Massachusetts, arose immediately after the prayer by the Chaplain and before the reading of the Journal and submitted the question of order whether it was in order for him to now move to amend the title of the bill (H. R. 4864) to reduce taxation, to provide revenue for the Government, and for other purposes, passed by the House on the preceding day.

The Speaker, Charles F. Crisp, of Georgia, held that it was not now in order to move an amendment to the title of the bill. (Unless a separate vote is demanded on the title, it is always assured to be agreed to with the passage of the bill.)

\* \* \* \* \*

Mr. John G. Carlisle, of Kentucky, said he understood the error occurred in printing the bill at the Government Printing Office. He thought, therefore, that the Speaker should be authorized to erase his name and return the bill.

This authorization was given without objection, and the Speaker erased his signature and returned the bill.

\* \* \* \* \*

Mr. William D. Kelley, of Pennsylvania, proposed to raise the question of consideration against the special order.

The Speaker, J. Warren Keifer, of Ohio, held that this day being set apart for the consideration of such business as might be presented by the Committee for the District of Columbia, the question of consideration could not be raised against such special order, but could only be raised against a particular bill or measure. The Speaker further held that a motion to postpone the special order was not in order, and that the Committee for the District of Columbia could not be dispossessed of their rights under the terms of the special order.

\* \* \* \* \*

The Speaker, Howell Cobb, of Georgia, declared that the resolution, as a question of privilege, was out of order, on the ground that the House on a former occasion, had so decided against the opinion of the Chair when a similar proposition was submitted, and also for the reason that it proposed a mode of election at variance with a standing rule of the House. (The rule requiring viva voce election. It will be observed that this ruling was made not at the beginning of the Congress, but after the House had adopted rules.)

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ASSISTANT GENERAL CLAIM AGENT.

October 16, 1920

Mr. J. P. Curren,

Chicago, Ill.

Dear Sir:-

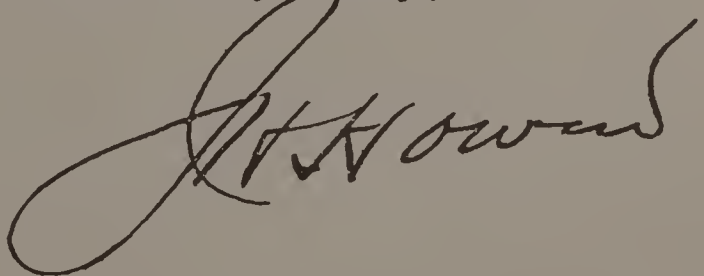
I have looked over some of the work of your home study course in Parliamentary Law and Public Speaking, and after my two years in Washington, D.C., I can readily appreciate how valuable this work would be, as so few people know anything much about the subject.

The work as you have it prepared seems to me to be in very good shape and will be of unlimited value especially to men in executive positions who are required to attend meetings, and may in their regular course of business be called upon at any time for a public talk.

You know as well as I do how many men, while they have their subject well in their mind, are unable at a meeting to get up without previous notice and express their thoughts in such a way as to make their point clear to the audience.

I certainly believe that the work would be of utmost value to any one who is required to attend meetings or are called upon to express themselves so as to place a matter before any meeting.

Yours very truly,



JHH:T



## *General Parliamentary Law*

A motion to adjourn is in order before the minutes have been read.

The reading of the minutes may not be interrupted, but in case of disorder the reading may be suspended until order is restored.

The presiding officer should read the minutes before they are read to the society and they should have his approval, but this does not preclude amendment by the Society.

\* \* \* \* \*

Mr. George S. Houston, of Alabama, made the point of order that the resolution did not present a question of privilege, as the Chaplain was not an Officer of the House, the Thirty-fifth Congress having been organized without one, and that neither the law nor the Constitution required the election of such an officer.

The Speaker, William Pennington, of New Jersey, in rendering his decision, said that he had looked into the precedents, and found that they were in favor of the question being considered privileged. Therefore he overruled the point of order.

\* \* \* \* \*

After debate the Speaker, Samuel J. Randall, of Pennsylvania, said: "The Chair must be governed by the rules of the House and by the interpretations which have been placed on those rules in the past by the House . . . This is not a new question. It was brought to the attention of the country in a remarkable manner in the Seventh Congress when Mr. Macon, then Speaker of the House, claimed his right as a representative of a constituency to vote upon a pending question, notwithstanding there was a rule of the House to the contrary. . . . The Chair is not aware that the House of Representatives has ever deprived a Representative of the right to represent his constituency."

\* \* \* \* \*

On April 9, 1904, (Fifty-eighth Congress, Second Session) Mr. George G. Gilbert, of Kentucky, asked that his name on a roll call of the preceding day be changed from "present" to "aye." It appeared that he had refrained from voting "aye" because he erroneously supposed himself to have been paired.

The Speaker, Joseph G. Cannon, of Illinois, after having read section 1 of Rule XV (§ 142) said: "The rule absolutely prevents the Speaker from even entertaining a request for unanimous consent. The matter of pairs is a matter for gentlemen to regulate among themselves. . . . The Chair declines, under the rule, to entertain the request, the rule prohibiting him from submitting the request.

SAMUEL H. SCHNEIDER  
CHICAGO

Chicago, October 18th, 1920.

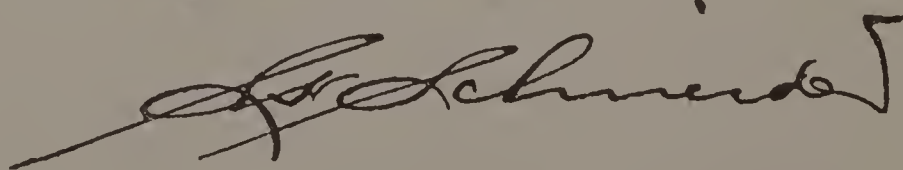
My dear Mr. Curran:

I wish to thank you most kindly for the opportunity offered to go over your Parliamentary Law and Public Speaking Course, and while I have not gone fully into the details thereof I have seen sufficient of it to compliment you most highly on its valuable text.

This is something that we have needed for sometime, and in my daily work I have felt the need of something of this kind. Anyone who has an opportunity to avail himself of this study can consider himself most fortunate, and I am free to say that I hope to take advantage of the course - in fact every man who attends meetings in similar capacities as I should take advantage of a course such as you are affording.

Wishing you much success, and with best wishes, I remain

Very truly yours,



Mr. J. P. Curran,

Chicago, Illinois.

Mr. Schneider is Secretary and Treasurer  
the General Managers Association, Chicago.



## JEFFERSON'S DISCUSSION OF TREATIES UNDER THE CONSTITUTION

By the Constitution of the United States this department of legislation is confined to two branches only of the ordinary legislature—the President originating and the Senate having a negative. To what subjects this power extends has not been defined in detail by the Constitution; nor are we entirely agreed among ourselves. 1. It is admitted that it must concern the foreign nation party to the contract, or it would be a mere nullity, *res inter alias acta*. 2. By the general power to make treaties, the Constitution must have intended to comprehend only those subjects which are usually regulated by treaty, and can not be otherwise regulated. 3. It must have meant to except out of these the rights reserved to the States; for surely the President and Senate can not do by treaty what the whole Government is interdicted from doing in any way. 4. And also to except those subjects of legislation in which it gave a participation to the House of Representatives. This last exception is denied by some on the ground that it would leave very little matter for the treaty power to work on. The less the better, say others. The Constitution thought it wise to restrain the Executive and Senate from entangling and embroiling our affairs with those of Europe. Besides, as the negotiations are carried on by the Executive alone, the subjecting to the ratification of the Representatives such articles as are within their participation is no more inconvenient than to the Senate. But the ground of this exception is denied as unfounded. For example, e. g. the treaty of commerce with France, and it will be found that, out of thirty-one articles, there are not more than small portions of two or three of them which would not still remain as subjects of treaties, untouched by these exceptions.

\* \* \* \* \*

### *Form for Putting the Previous Question*

The gentleman from ———— demands the previous question. As many as are in favor of ordering the previous question will say "Aye;" as many as are opposed will say "No."

\* \* \* \* \*

Considerable discussion arose over the resolution. Reference was made to the case of Thomas Cooper, tried while Congress was in session in Philadelphia. Members of Congress were summoned, but the court decided that Mr. Cooper was not entitled to compulsory process against them. Mr. John Quincy Adams, of Massachusetts, criticised the resolution as far more extensive than was necessary to meet the case. This was an exceedingly delicate matter for the House to decide. On the one hand were privileges which were a departure from the common law of the country in favor of Members of the House—not for



their own advantage, but for the advantage of the country whose interests they represented. On the other hand the sacred powers of the courts of justice to summon witnesses before them was equally important to the liberties of the country, and to all its rights and interests.

\* \* \* \* \*

## GENERAL PARLIAMENTARY LAW

### *Standing Rules*

*Standing Rules* are of less importance than *By-laws* and care should be taken that they do not conflict either with the *Constitution* or *By-laws*. *Standing Rules* are subject to the will of the *majority* at any regular meeting. They bind the organization as long as they remain in force, but can be modified by amendment, suspended, or rescinded by a *majority* vote at any *regular* meeting. *Parliamentary Law* should govern the action of the members of an organization, when it is desired to change the constitution, by-laws and rules, *unless* the organization has prescribed other ways for so doing.

\* \* \* \* \*

Thereupon Mr. J. Proctor Knott, of Kentucky, submitted a resolution directing the Speaker to issue a warrant directing the Sergeant-at-Arms of the House, either by himself or deputy, to arrest and bring to the bar of the House without delay E. W. Barnes to answer for contempt.



READ, THINK, ACT AND TALK INTELLIGENTLY  
AND LOGICALLY

## CHAPTER 4

### YOUR DECISION

The reading of the other chapters of this booklet has undoubtedly convinced you that there are unlimited opportunities today for the skilled Parliamentarian and Public Speaker.

You must know that you cannot always delegate *everything* to the hired man *some things you have got to know and do for yourself*, otherwise a time comes when you *must* fall short even in giving *instructions*.

The question before you now, therefore, is whether or not you want to enroll for our Courses. A perusal of the following points will help you to make your decision.

There is a desire in the hearts of most people to be better educated—to be able to act at ease among their fellows. The right kind of training properly applied will develop this faculty.

The Creator gave man intellect and the power of speech with which to express his thoughts, the endowment of intellect is enhanced by ambition. Wisdom is not born in men, they acquire it. Ambition is part of the foundation. Every living example of success (except the mere possession of money) has had his beginning at the bottom and developed through perseverance which is only another name for ambition.

There is always something more to learn. It is a historical fact that Cato, an exceptionally well educated man and scholar, started the study of Greek when more than 80 years of age.

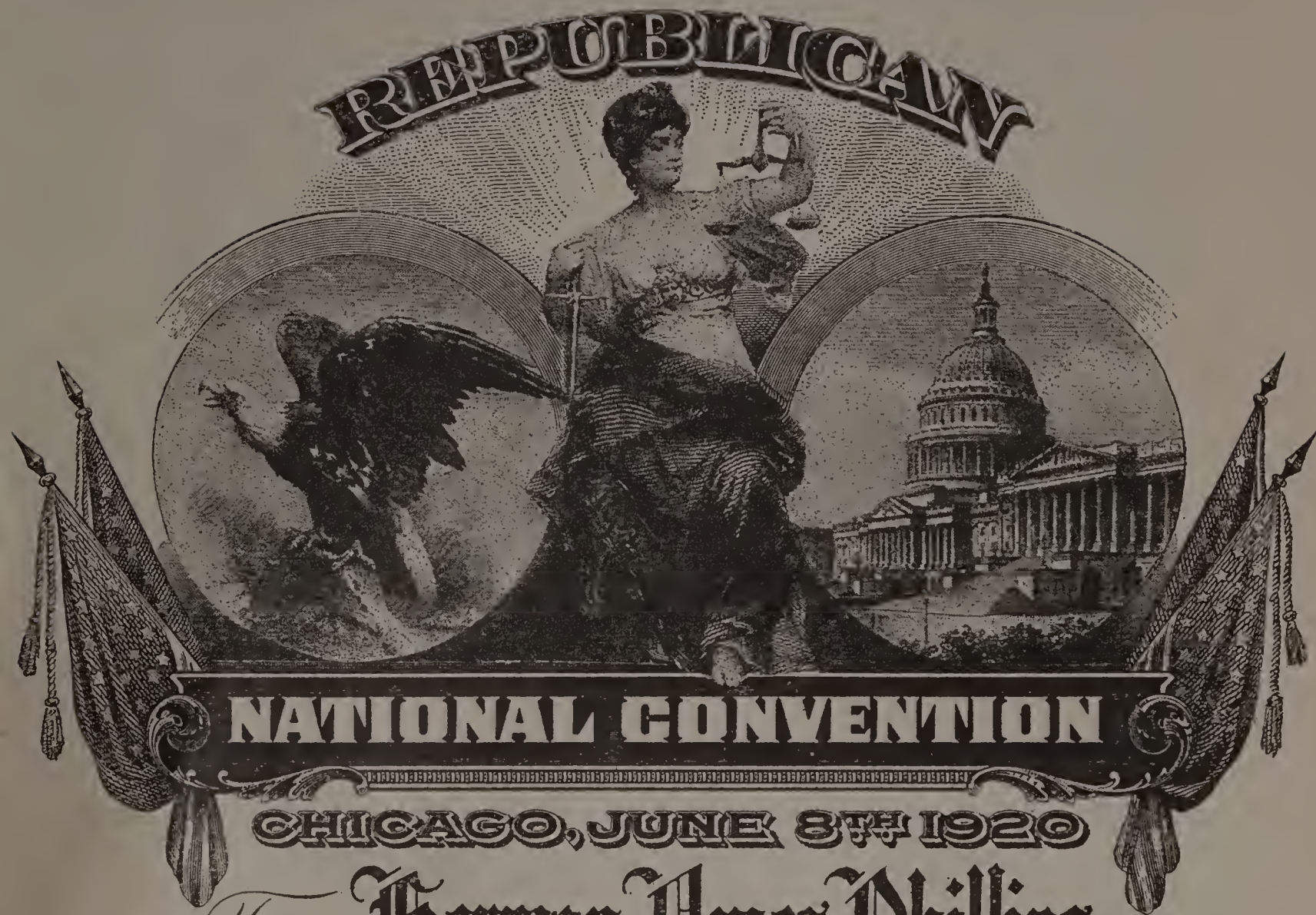
At no time can one properly feel that he has “learned it all,” for when that stage is reached he is in a rather lonesome position for he can no longer commune with Ambition and much less with his enemies or friends.

Those who read and study our Courses in Parliamentary Law and Public and Vocational Speaking will find a real opportunity to better their condition and education. The instruction goes into the fields of Civics and History, government past and present, and, in detail, the Constitution of the United States. To the person in charge of men much will be learned concerning organization that can and should be applied to general business.

Speeches of the great statesmen in America and England are given. A study of them will help to increase your vocabulary, increase your knowledge of the English language and make you a better scholar. Those who have only a limited education will find a great opportunity for adding a liberal education.

Thus there is offered to you *HERE* the means of becoming a leader in any walk of life and at the same time the chance, no *matter where you stand*, to capitalize and actually reap a profit on the time you put on this study. Do not delay your decision, but act **TODAY. NOW.**





To German Ames Phillips

*you are hereby appointed*

**PARLIAMENTARIAN**

*of the Republican National Convention  
Please signify your acceptance and report for duty at  
Convention Headquarters Chicago,  
not later than 10 A.M. June 8<sup>th</sup>*



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